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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/037,445	12/31/2001	Jacquelyn Martino	US 010685	4835

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EXAMINER

ROBINSON, GRETA LEE

ART UNIT PAPER NUMBER

2167

DATE MAILED: 04/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/037,445

Applicant(s)

MARTINO ET AL.

Examiner

Greta L. Robinson

Art Unit

2167

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-6,8-11,13-16 and 18-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-6,8-11,13-16 and 18-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 August 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1, 3-6, 8-11, 13-16 and 18-24 are pending in the present application.
2. Claims 2, 7, 12 and 17 have been cancelled. Claims 1, 3, 4, 5, 6, 8, 9, 10, 11 and 16 have been amended; and new claims 21-24 have been added.

Drawings

3. The drawings were received on January 24, 2005. These drawings are acceptable.
4. The drawings are objected to because descriptive textual labels are needed for the following elements for proper understanding of the invention: element 100, 101, 102, 103, 114, 115, 116, 117, 200, 201, 202, 210, 211, 212, 220, and 221. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 1, 3-6, 8-11, 13-16 and 18-24 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Regarding claims 1, 3-6, 8-11, 13-16 and 18-24 the following limitation does not appear to be described properly in the specification: current user task context and content type. The description does not appear to properly define what is meant by the term "current user task context and content type" and how it relates to the function of selecting a sort key. For example, page 3 lines 5-8, the disclosure states "a sorting mechanism utilizing content type and/or user task context to automatically determine the primary sort key and any additional (e.g. secondary) sort keys". Also, note the following citations page 6 lines 17-20 and page 11 lines 6-10, "adaptable sort keys depending on user task context and/or content type". It is unclear as to whether the task context is the same as the content type. The sort key is unclear as to how the sort key is determined and how it is different than the primary sort key and the secondary sort key [note page 15 lines 7-21; page 3 lines 1-13; figure 1 and 2C]. Also, Applicant does not appear to describe the "receiver" as the audio receiver [figure 1, element 111] or the video receiver [figure 1, element 110]. Figure 1 depicts separate units, a video receiver 110, and an audio receiver 111; but not a receiver as cited in independent claim 6.

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 1, 3-6, 8-11, 13-16 and 18-24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, the following limitation is vague: "current user task context and content type" [note claim 1]. As stated in the paragraph above, the meaning of this limitation is not clear. How does this feature relate to the sort process? Claims 6, 11 and 16 contain similar limitation and are rejected for similar reasons. Claims 3-5, 8-10, 13-15 and 18-24 are rejected based on dependency. Regarding claim 6, the limitation "a receiver" is vague, as cited above it is unclear as to if the receiver is element 110 or 111 if figure 1A.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

11. Claims 1, 3-6, 8-11, 13-16 and 18-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hiyoshi US Patent 6,601,067 B1 in view of Signore et al. *Using Procedural Patterns in Abstracting Relational Schemata*.

Regarding claim 1, Hiyoshi teaches "a sort controller receiving a plurality of information items regarding content" note *sort/merge processor 10* figure 1. Hiyoshi teaches *input files* for receiving a plurality of information, information is read through *file reading unit 15* figure 1. Hiyoshi teaches "wherein the sort controller sorts the information items" note *sort/merge execution unit 18* figure 1, also see column 4 lines 10-20. Hiyoshi does not specifically teach "sort keys derived from predetermined user sorting preferences for a current user task context and content type", however this feature is taught by Signore et al. **Signore et al.** teaches reverse engineering based on identification of schema, primary key, SQL and procedural indicators that leads to the assertion of prolog facts [note: page 129 section 3 note predefined indicators for detecting primary keys and section 4 note alternate method unique index and "ask user to choose primary or candidate keys"; page 130 left hand side section 5 detection of the indicators; page 132 note section 5.2 foreign key, 5.3 referential integrity constraints,

and Table 3- Matix of Indicators]. It would have been obvious to one of ordinary skill at the time of the invention to have combined Signore et al. with Hiyoshi because Signore et al. would provide a schematic indicator for constraint with respect to sorting in Hiyoshi.

12. Regarding claim 3, "wherein the selected sort keys include a primary sort key" [note: Signore et al., page 129-130, page 134].

13. Regarding claim 4, "wherein a change in the current user task context is inferred from a change of the primary sort key by the user" [see: Signore et al., page 129 note section 4 primary and candidate keys].

14. Regarding claim 5, "wherein the plurality of information items are displayed in an order determined by the sort controller" [note: Hiyoshi, column 4 lines 28-32 and lines 53-55].

15. The limitations of claims 6-10 and 16-20 have been addressed above except for the following: a receiver and a signal [note: Hiyoshi input device 28 figure 2, column 5 lines 31-34].

16. The limitations of method claims 11-15 parallel system claims 1-5; therefore they are rejected under the same rationale.

17. Regarding claims 21-24, a user interface communicably coupled to the sort controller to receive user input identifying the current user task context [note: Hiyoshi, column 4 lines 40-55; also note interface 26 figure 2].

Response to Arguments

18. Applicant's arguments filed August 10, 2004 have been fully considered but they are not persuasive.

In the response to drawing objections Applicant argued that Figures 1A and 1B both include reference character 100, this is not correct only replacement figure 1B includes reference to element 100. The examiner respectfully maintains the objection to the drawings requiring descriptive textual labels because they are needed to distinguish the separate elements and proper understanding of the invention. Regarding the rejection cited under 35 USC 112 first and second paragraph. The term "current user task context and a content type is not clear. Note the specification uses the term "and/or" when making reference to these two elements. Note for example page 3 lines 5-8, page 6 lines 17-20 and page 11 lines 6-10. The language "and/or" is vague and it is unclear as to whether the terms are different. Applicant has amended independent claim 6 from "audio/video receiver" to simply receiver; but this does not appear to be in line with the description given in Figure 1A element 110 Video receiver and 111 Audio Receiver. Regarding the rejection cited under 35 USC 103(a) Applicant stated Signore does not have a mechanism for deriving sort keys from predetermined user sorting

preferences. Signore teaches pre-defined indicators set by code for automatically detecting primary keys and an alternate method in which the user determines the order of grouping/determining keys note page 129.

Conclusion

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Burkhard US Patent 5,924,091

Schindler US Patent 6,199,064 B1

20. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greta L. Robinson whose telephone number is (571) 272-4118. The examiner can normally be reached on Mon.-Fri. 9:30AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E. Breene can be reached on (571) 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



GRETA ROBINSON
PRIMARY EXAMINER

Greta Robinson
Primary Examiner
April 25, 2005